



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

Sim, Gee-Kee  
Yang, Shumin  
Dreitz, Matthew J.  
Wonderling, Ramani S.

U.S. Patent No.: 6,482,403 B1

Issue Date: November 19, 2002

Serial No.: 09/451,527

Filing Date: December 1, 1999

Atty. File No.: IM-2-C2

For: "CANINE IL-13 IMMUNOREGULATORY  
PROTEINS AND USES THEREOF"

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

In accordance with 35 U.S.C. § 256 and 37 CFR § 1.324, Applicants hereby petition that the above-referenced issued U.S. Patent be amended to delete as inventors Gek-Kee Sim, having a residence of 543 Franklin Street, Denver, CO 80218; Matthew J. Dreitz, having a residence of 6187 View Point Ave., Firestone, CO 80504; and Ramani S. Wonderling, having a residence of 1325 S. White Oak Dr. Apt # 1718, Waukegan, IL 60085.

Inventorship for this patent should now read:

Shumin Yang

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OFFICE OF PETITIONS

Group Art Unit: 1633

Examiner: Kaushal, Sumesh

PETITION TO CORRECT  
INVENTORSHIP UNDER

37 CFR 1.324

APR 19 2004

OFFICE OF PETITIONS

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE  
IS BEING DEPOSITED WITH THE U.S. POSTAL  
SERVICE AS FIRST CLASS MAIL ADDRESSED TO  
MAIL STOP PETITION, COMMISSIONER FOR  
PATENTS, P.O. BOX 1450, ALEXANDRIA, VIRGINIA  
22313-1450. THIS 25 DAY OF February  
2004.

HESKA CORPORATION

By:

*Susan A. Gordon*

Susan A. Gordon

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Applicants have included the following with this petition:

- (1) a statement from three of the four current named inventors agreeing to the change in inventorship;
- (2) documentation of Gek-Kee Sim's (currently named as an inventor) refusal to cooperate with the assignee on this matter;
- (3) a statement from the assignee agreeing to the change in inventorship;
- (4) a copy of the executed assignment;

Applicants authorize the petition fee of \$130 as required under 37 CFR§ 1.17(i) to be charged to Deposit Account 081930.

The Examiner is invited to contact the undersigned should any issues remain.

Respectfully submitted,

Dated: February 25, 2004

By: Richard J. Stern  
Richard J. Stern, Ph.D.  
Registration No. 50,668  
Heska Corporation  
1613 Prospect Parkway  
Fort Collins, Colorado 80525  
Telephone: (970) 493-7272  
Facsimile: (970) 491-9976

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TECHNICAL CENTER 1600 273300

## PATENT

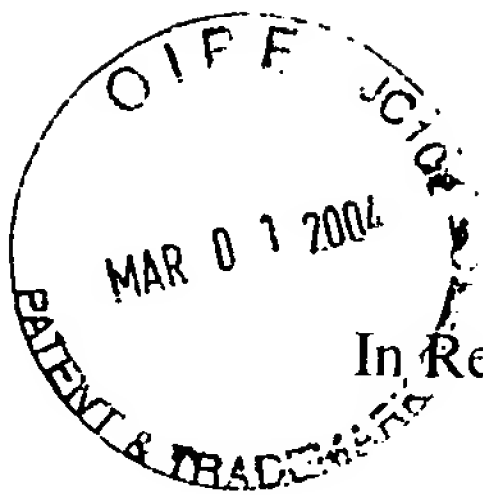
CERTIFICATE OF MAILING

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AS FIRST CLASS MAIL ADDRESSED TO  
COMMISSIONER FOR PATENTS, P.O. BOX 1450,  
ALEXANDRIA, VIRGINIA 22313-1450, THIS 25 DAY  
OF February 2003-2004.

HESKA CORPORATION

By: Susan A. Gordon  
Susan A. Gordon





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For: "CANINE IL-13  
IMMUNOREGULATORY PROTEINS  
AND USES THEREOF"

) Group Art Unit: 1633

) Examiner: Kaushal, Sumesh

) STATEMENT OF AGREEMENT  
) REGARDING CHANGE IN  
) INVENTORSHIP

) Under 37 CFR 1.324(b)(2)

| CERTIFICATE OF MAILING   |                 |
|--|-----------------|
| I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS<br>BEING DEPOSITED WITH THE U.S. POSTAL SERVICE<br>AS FIRST CLASS MAIL ADDRESSED TO<br>COMMISSIONER FOR PATENTS, P.O. BOX 1450,<br>ALEXANDRIA, VIRGINIA 22313-1450, THIS <u>25</u> DAY<br>OF <u>February</u> <u>2003-2004</u> . |                 |
| HESKA CORPORATION  |                 |
| By: <u>Susan A. Gordon</u>   | Susan A. Gordon |

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

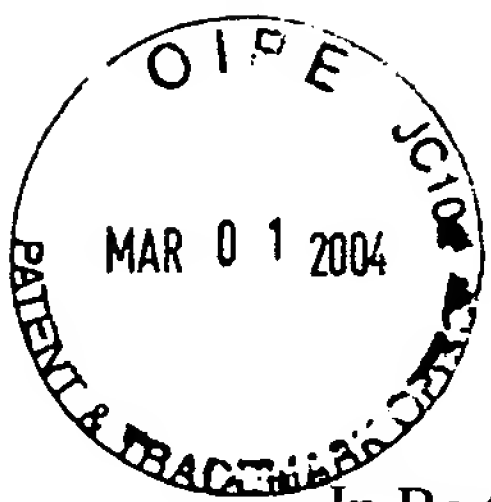
The undersigned hereby states she agrees with the amendments removing Gek-Kee Sim, Ramani S. Wonderling and Mathew J. Dreitz as inventors and naming Shumin Yang as sole inventor in the above referenced issued U.S. Patent.

Respectfully submitted,

Dated: November 8, 2003

By: Ramani S. Wonderling  
Ramani S. Wonderling, Ph.D.

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OFFICE OF PETITIONS

) Group Art Unit: 1633

) Examiner: Kaushal, Sumesh

) PETITION PURSUANT TO  
) 37 CFR §1.47 (a)

APR 1 9 2004

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|---|-----------------|
| I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE U.S. POSTAL SERVICE AS FIRST CLASS MAIL, ADDRESSED TO MAIL STOP PETITION, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450, THIS <u>25</u> DAY OF <u>February</u> 2004. |                 |
| HESKA CORPORATION   |                 |
| By: <u>Susan A. Gordon</u>  | Susan A. Gordon |

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 CFR§ 1.47(a), the Assignee hereby petitions for acceptance of the enclosed Petition to Correct Inventorship without a Statement of Agreement Regarding Change In Inventorship signed by one of the currently listed inventors. Applicants state that Gek-Kee Sim refuses to discuss any issues or sign any documents related to this patent. In support of this petition, attached is a Declaration of Richard J. Stern and accompanying Exhibits. These documents set forth the pertinent facts and chronicle that despite the diligent efforts made by the Assignee to present Gek-Kee Sim with a letter describing the reason for the change in inventorship along with a Statement of Agreement Regarding Change In Inventorship, Dr. Sim has refused to cooperate on this matter. Even after successfully contacting Dr. Sim by telephone

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in an effort to give voice to her concerns, she refuses to cooperate with the Assignee on this matter.

The Examiner is invited to contact the undersigned should any issues remain.

Respectfully submitted,

Dated: February 25, 2004

By: Richard J. Stern

Richard J. Stern, Ph.D.  
Registration No. 50,668  
Heska Corporation  
1613 Prospect Parkway  
Fort Collins, Colorado 80525  
Telephone: (970) 493-7272  
Facsimile: (970) 491-9976

13. On January 23, 2004, a copy of the email message described in paragraph 12 was sent by Certified Mail to Dr. Sim at the address listed in paragraph 3. This package was received and signed for by Dr. Sim on January 27, 2004. A copy of the Return Receipt is attached as Exhibit I.

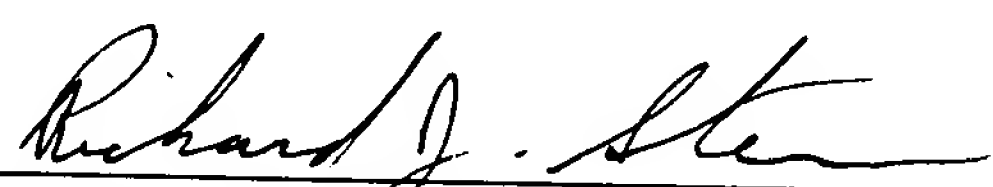
14. On January 23, 2004, I successfully contacted Dr. Sim at the telephone number listed in paragraph 3. During our conversation Dr. Sim made it clear she has no interest or intention to cooperate with Heska on this matter. An email summarizing our conversation is attached as Exhibit J.

15. Since the telephone conversation, I have not heard from Dr. Sim, either by telephone, email or U.S. mail. In addition, I do not know of anyone else at Heska Corporation who has received any response, inquiry or instructions from Dr. Sim pertaining to the above-referenced application.

I understand that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the subject application or any patent resulting therefrom. I declare that all of the foregoing statements made of my own knowledge are true and that all statements made on information and belief are believed to be true.

Respectfully submitted,

Dated: February 25, 2004

  
Richard J. Stern, Ph.D.  
Registration No. 50,668  
Heska Corporation  
1613 Prospect Parkway  
Fort Collins, Colorado 80525  
Telephone: (970) 493-7272  
Facsimile: (970) 491-9976